

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-1575

SHANMIN LIU,

Petitioner,

versus

JOHN ASHCROFT, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A72-370-027)

Submitted: February 27, 2004

Decided: April 6, 2004

Before NIEMEYER, LUTTIG, and KING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Frederic W. Schwartz, Jr., Washington, D.C., for Petitioner.
Peter D. Keisler, Assistant Attorney General, Civil Division,
David M. McConnell, Assistant Director, Lisa M. Arnold, Senior
Litigation Counsel, Office of Immigration Litigation, Civil
Division, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C.,
for Respondent.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Shanmin Liu, a native and citizen of China, seeks review of a decision of the Board of Immigration Appeals affirming without opinion the immigration judge's denial of Liu's application for adjustment of status. We have reviewed the administrative record and the order of the immigration judge and conclude that substantial evidence supports the finding that Liu is statutorily ineligible for the relief sought. See 8 U.S.C. § 1105a(a)(4) (1994);* 8 U.S.C. § 1252b(e)(2)(A) (1994).

Accordingly, we deny Liu's motion for oral argument and petition for review. We dispense with oral argument because the facts and legal arguments are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED

*Although 8 U.S.C. § 1105a(a)(4) was repealed by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. No. 104-128, 110 Stat. 3009, effective April 1, 1997, because this case was in transition at the time the IIRIRA was passed, § 1105a(a)(4) is applicable here under the terms of the transitional rules contained in § 309(c) of the IIRIRA.